

The Board has considered the record and adopted the stipulations listed in the Award. In addition, the Board considered the January 12, 2000, April 2, 2002 and July 25, 2002 reports of the court-ordered independent medical experts, Dale E. Darnell, M.D., and C. Robinson Dyer, M.D.

### ISSUES

The Award grants claimant a 17 percent permanent partial general disability. The permanent disability award is based on the functional impairment rating by Dr. Darnell, one of the court-ordered independent medical examiners. On appeal, claimant argues the disability should be based on the 29 percent impairment opinion given by Dr. Pedro A. Murati. Conversely, respondent contends the six percent impairment rating of the second court-appointed independent medical examiner, Dr. Dyer, and also by one of claimant's treating physicians, William O. Reed, Jr., M.D., should be adopted or else the ALJ should be affirmed.

The nature and extent of claimant's disability, specifically the percent of functional impairment is the only issue raised for the Board's review. Claimant is not alleging a work disability.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Board concludes the Award should be affirmed.

The Board agrees with and adopts as its own the findings and conclusions stated by the ALJ in the Award. Dr. Murati's 29 percent rating is not adopted in part because he was the only physician to both provide a rating for a cervical spine injury in addition to the injuries to the bilateral upper extremities and to also relate that cervical condition to the work-related series of accidents. The 17 percent rating by Dr. Darnell is consistent with the other physical findings of the other physicians and furthermore is consistent with the *Fourth Edition* of the *AMA Guides to the Evaluation of Permanent Impairment*. The Board affirms the ALJ's finding of 17 percent permanent partial general disability.

### AWARD

**WHEREFORE**, it is the finding, decision and order of the Appeals Board that the Award entered by Administrative Law Judge Brad E. Avery dated October 29, 2002, should be, and is hereby, affirmed.

The Appeals Board adopts the orders set forth in the Award and, in addition, approves the claimant's contract of employment with his attorney.

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ April 2003.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Stanley R. Ausemus, Attorney for Claimant  
Gregory D. Worth, Attorney for Respondent and Insurance Carrier  
Brad E. Avery, Administrative Law Judge  
Director, Division of Workers Compensation